

### **REMARKS**

Claims 1-3, 6-8 and 11-12 remain in the application. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested

### **Claim Rejections**

#### ***Rejections Under 35 U.S.C. § 101***

Claims 1-3 and 11 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In response thereto, Applicant has amended Claim 1 exactly in accordance with the Examiner's suggestion. Therefore, Applicant believes that this rejection has been overcome and respectfully requests that Claims 1-3 be allowed.

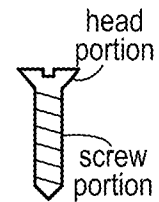
#### ***Rejections Under 35 U.S.C. § 103***

##### **Rejection of Claims 1-3, 6 -8, 11 and 12:**

Claims 1-3, 6 -8, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitra et al (6,920,351) in view of Donoghue et al (2004/0082875), Linas et al (20040133118) in view of Cosgrove Jr. (4,533,346).

With respect to independent Claim 1, Applicant has amended Claim 1 to remove "substantially" from the limitation regarding the outside diameter of the skull screw. Applicant has also added a limitation that the skull screws do not include a head having a diameter wider than the constant outside diameter of the skull screw. It is believed that this limitation distinguishes amended Claim 1 from Cosgrove, in that the only disclosure of a screw in Cosgrove refers to a "flathead stainless-steel screw" (Cosgrove, col. 11, lines 47-48). Flathead

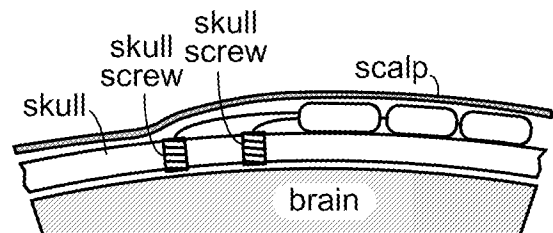
screws are a well known type of fastener that include a screw portion and a head portion, in which the head portion extends outwardly from the screw portion with a conical shape, according to the diagram at right.



Flathead Screw

The only type of screw disclosed in Cosgrove is a flathead screw and, thus, the amendment distinguishes Claim 1 from the flathead screw disclosed in Cosgrove. None of the other cited references show the limitation of screws not including a head either. Therefore, it is believed that this rejection has been overcome and Applicant respectfully requests the allowance of Claim 1 and all claims depending therefrom.

With respect to independent Claim 6, Applicant has added the limitation that the conductive skull screws do not extend beyond the scalp. The skull screw of the present invention is cylindrical and has a length that corresponds to the width of the skull into which it is implanted. This can be seen in the diagram at right.



Present Invention

While Cosgrove does not expressly disclose the screw extending beyond the scalp, it is reasonable to infer that it did in experimental apparatus described in the cited portion of Cosgrove (Cosgrove, col. 11, lines 44-55 ). It is important to remember that the cited portion of Cosgrove refers to an experimental apparatus used in measure the reaction of rabbits to pharmaceuticals. Given the typical lifespan of a rabbit, it is unlikely that Cosgrove went to the trouble to replace the scalp of the rabbit over the screw once it was implanted in the rabbit's skull. Certainly, Cosgrove does not *disclose* the step of inserting a screw into the cranium so that the screw does not extend beyond the scalp, as recited in amended Claim 6. Also, Cosgrove does not disclose an electrode that has a length that is "less than a length that would cause the first conductive skull screw to invade the brain," also recited in Claim 6. Nor do any of the other cited references teach or

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suggest these limitations. Therefore, it is believed that this rejection has been overcome and Applicant respectfully requests the allowance of Claim 6 and all claims depending therefrom.

### **CONCLUSION**

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all remaining claims be allowed and that a timely Notice of Allowance be issued.


### **REQUEST FOR ONE-MONTH EXTENSION OF TIME**

Applicant requests a one-month extension of time to respond. Payment for the extension will be effected through credit card during the electronic filing of this Response.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 503535.

10/02/2006

Date

  
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